



January 23, 2009

SENATE BILL No. 194

DIGEST OF SB 194 (Updated January 21, 2009 4:24 pm - DI 73)

Citations Affected: IC 36-7.

Synopsis: Indianapolis historic preservation commission. Requires the mayor to appoint five members and the city-county council to appoint four members of the Indianapolis Historic Preservation Commission. (Current law requires the mayor to appoint all nine members.) Requires the city-county council to appoint one member who is a resident of a historic district. (Current law requires the mayor to appoint at least one member who is a resident of a historic district.) Allows the city-county council to appoint one member and the mayor to appoint two members from lists of names submitted by the Historic Landmarks Foundation of Indiana and the historical society of Marion County. Allows the mayor to appoint one member who is a member of the metropolitan development commission. Allows the mayor and the city-county council to each appoint a member from a list of names submitted by the local chapter of the American Institute of Architects. (Current law provides that the mayor makes the discretionary appointments.) Provides that a member appointed before July 1, 2009, continues to serve as a member of the commission after June 30, 2009, until the member's term expires or the executive removes the member for cause. Provides that if the executive removes the member for cause, the executive appoints a successor to serve for the remainder of the vacated term.

Effective: July 1, 2009.

Miller

January 7, 2009, read first time and referred to Committee on Local Government.
January 22, 2009, amended, reported favorably — Do Pass.

SB 194—LS 6691/DI 87+



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January 23, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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SENATE BILL No. 194

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-7-11.1-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The executive
3 **and the legislative body** of the consolidated city shall appoint a
4 commission of nine (9) members to be known as the "_____
5 Historic Preservation Commission" (including the name of the city). ~~At~~
6 ~~least one (1) of the members must be a resident of an historic area in~~
7 ~~the city. Three (3) of the members may be selected from lists of names~~
8 ~~submitted by the Historic Landmarks Foundation of Indiana and the~~
9 ~~historical society of the county. One (1) member may be selected from~~
10 ~~a list of names submitted by the local chapter of the American Institute~~
11 ~~of Architects. One (1) member may be a member of the metropolitan~~
12 ~~development commission.~~
13 (b) The following apply to the appointment of members:
14 (1) The executive shall appoint five (5) members of the
15 commission. The executive:
16 (A) may select two (2) members from lists of names
17 submitted by the Historic Landmarks Foundation of

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Indiana and the historical society of the consolidated city's county;

(B) may select one (1) member who is a member of the metropolitan development commission; and

(C) may select one (1) member from a list of names submitted by the local chapter of the American Institute of Architects.

(2) The legislative body shall appoint four (4) members of the commission. The legislative body:

(A) shall select one (1) member who is a resident of a historic area of the consolidated city;

(B) may select one (1) member from lists of names submitted by the Historic Landmarks Foundation of Indiana and the historical society of the consolidated city's county; and

(C) may select one (1) member from a list of names submitted by the local chapter of the American Institute of Architects.

~~(b)~~ (c) Each appointment to the commission is for a term of four (4) years, commencing on January 1 following the appointment, and until a successor is appointed and is qualified. A member is eligible for reappointment.

~~(c)~~ (d) If a vacancy occurs in the commission during any term, a successor shall be appointed by the ~~executive~~ **appointing authority** to serve for the remainder of the vacated term. Any member of the commission may be removed for cause by the ~~executive~~ **appointing authority**. All members must be residents of the county.

~~(d)~~ (e) The members receive no salary, but are entitled to reimbursement for any expenses necessarily incurred in the performance of their duties.

~~(e)~~ (f) At its first scheduled meeting each year, the commission shall hold a meeting for the purpose of organization. The commission shall elect from its membership a president, vice president, secretary, and treasurer who shall perform the duties pertaining to those offices. The officers serve from the date of their election until their successors are elected and qualified. The commission may adopt bylaws and rules for the proper conduct of its proceedings, the carrying out of its duties, and the safeguarding of its funds and property. A majority of the members of the commission constitute a quorum, and the concurrence of a majority of the commission is necessary to authorize any action.

~~(f)~~ (g) A member of the commission is not disqualified from hearing and voting upon any matter coming before the commission because that

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1 member owns or occupies property within or adjacent to a historic area,
 2 unless that property is the subject property or located within two
 3 hundred (200) feet of it.

4 ~~(g)~~ **(h)** A member of the commission who is absent from three (3)
 5 consecutive regular meetings of the commission shall be treated as if
 6 he had resigned, unless the ~~executive~~ **appointing authority** reaffirms
 7 the member's appointment. However, the counting of such a member
 8 toward a quorum requirement or the voting by such a member does not
 9 invalidate any official action taken by the commission before the time
 10 that the minutes of the commission reflect that the member has
 11 resigned.

12 SECTION 2. IC 36-7-11.1-3.1 IS ADDED TO THE INDIANA
 13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2009]: **Sec. 3.1. (a) A member appointed to**
 15 **the commission under section 3 of this chapter before July 1, 2009,**
 16 **shall continue to serve as a member of the commission after June**
 17 **30, 2009, until:**

18 **(1) the end of the term for which the member was appointed;**

19 **or**

20 **(2) the executive removes the member for cause.**

21 **If the executive removes the member for cause, the executive shall**
 22 **appoint a successor to serve for the remainder of the vacated term.**

23 **(b) This section expires July 1, 2014.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 194, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 2, delete "and".

Page 2, line 4, delete "." and insert "; and

(C) may select one (1) member from a list of names submitted by the local chapter of the American Institute of Architects."

Page 2, line 8, delete "and".

Page 2, line 12, delete "." and insert "; and

(C) may select one (1) member from a list of names submitted by the local chapter of the American Institute of Architects."

Page 3, after line 5, begin a new paragraph and insert:

"SECTION 2. IC 36-7-11.1-3.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 3.1. (a) A member appointed to the commission under section 3 of this chapter before July 1, 2009, shall continue to serve as a member of the commission after June 30, 2009, until:**

(1) the end of the term for which the member was appointed; or

(2) the executive removes the member for cause.

If the executive removes the member for cause, the executive shall appoint a successor to serve for the remainder of the vacated term.

(b) This section expires July 1, 2014."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 194 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 9, Nays 0.

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